

*C/M*

This objection is overruled, the Report and Recommendation of Judge Pohorelsky is adopted, and plaintiff's motion for entry of default judgment is denied. There are ample grounds for the granting of an extension of time to answer and it would be an abuse of discretion to grant plaintiff's motion.

SO ORDERED: 10/18/10

Oct/12/2010

U.S.D.J.

**FILED**  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.

★ OCT 14 2010 ★

**FILED**  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.

★ OCT 19 2010 ★

P.M.  
TIME A.M. (2)

Honorable Viktor V. Pohorelsky  
United States magistrate judge  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201

RE: Melvin Baez v. Sergio Majuri, 10-cv-3038(BMC, WJP)  
Objecting to (V.V.P) Report and Recommendation  
your Honor:

I am the plaintiff, Melvin Baez respectfully answering Corporation Counsel of the city of New York and attorney assigned to the above-referenced matter. I write in response to defendant's notice on a attempt from attorney representing the defendant Sergio Majuri asking this Honorable court for a extension of time to answer the complaint that I plaintiff filed against this detective, on excessive force, false arrest that occurred on 1-9-09, in front of plaintiff's home.

By way of Backgrund, your honor you was a witness to, a suppression hearing that was conducted on 9-23-09. There, was a alleged assault that the detectives alleged thru, false accusation, that later was dismissed because I, did not conduct the improper act, as you can see the alleged finding of the closed container, is a separate case to the false, arrest that took place in front of my home on 1-9-09. Mr. Shaffer alleges that this federal case, has to do with State case, that is false, both charges are separate from one another. The State charge did not become federal, on the false